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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Shigehisa Tonomura

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STAAS & HALSEY LLP

SUITE 700

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EXAMINER

KE, PENG

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/879,160	TONOMURA, SHIGEHISA	
	Examiner	Art Unit	
	Peng Ke	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 2/21/06.

This action is made final.

Claims 1-19 are pending in this application. Claims 1, 6-12, and 19 are independent claims.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 12, 2, 14, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashizaki, U.S. Patent No. 6,829,430 in view of Yoon et al., U.S. Patent No. 6,173,407.

As per claim 1, Ashizaki teaches an information providing method comprising the steps of: accepting photographed data including photographing position information from a user (see Ashizaki, column 17, lines 63-column 18, lines 20);

acquiring a content corresponding to the photographing position information from a position-distinction contents database based on the photographing position information in the accepted photographed data, wherein said position-distinction contents database stores

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photographing position information and the content in a correlated manner (see Ashizaki, column 19, lines 16-35); and

inserting and editing the acquired content into a portion of the photographed data corresponding to the photographing position information (see Ashizaki, column 10, lines 40 – 64), wherein the content includes data symbolizing an area which corresponds to the photographing position information (see Ashizaki, column 17, lines 63-column 18, lines 20).

However, Ashizaki fails to include fee information that corresponds to the data. Yoon teaches content that includes fee information that corresponds to the data (see Yoon, column 7, lines 9 – 50). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Yoon with the method of Ashizaki in order to generate revenue for the content provider.

As per claim 2, which is dependent on claim 1, Ashizaki and Yoon teach the method of claim 1 (see rejection above). Yoon et al. (“Yoon”) further teaches an information providing method comprising the step of calculating an appropriate fee for providing content (see Yoon, column 7, lines 9 – 50).

As per claim 3, which is dependent on claim 1, Ashizaki and Yoon teach the method of claim 1 (see rejection above). Ashizaki further teaches the information providing method according to claim 1, wherein the accepting step further includes the steps of, accepting information for specifying the user along with the photographed data including the photographing position information (see Ashizaki, column 17, lines 63-column 18, lines 20); and

transmitting the inserted and edited photographed data to the user based on the accepted information for specifying the user (see Ashizaki, column 10, lines 40 – 64).

As per claim 4, which is dependent on claim 1, Ashizaki and Yoon teach the method of claim 1 (see rejection above). Ashizaki further teaches the information providing method according to claim 1, wherein the photographed data are data photographed in a certain bigger area, and the photographing position information is information about a smaller area in the bigger area where the photographing is executed or information showing a photographing spot (see Ashizaki, figure 4, items 18, and 28).

As per claim 5, which is dependent on claim 1, Ashizaki and Yoon teach the method of claim 1 (see rejection above). Ashizaki further teaches the information providing method according to claim 1, wherein the photographed data are frames of original dynamic images (see Ashizaki, column 13, lines 43 – 56; the examiner interprets images captured by a digital video recorder as frames of original dynamic images).

As per claim 6, Ashizaki and Yoon teach an Information receiving method comprising the steps of:

transmitting photographed data including photographing position information to a server;
and

receiving the photographed data, into which contents corresponding to the photographing position information are inserted and edited by the server, from the server based on the transmitted photographing position information (see Ashizaki, column 10, lines 40 – 64).

As per claims 7, 9, 11 and 12, they are of similar scope to claim 1 and are rejected under the same rationale as claim 1 (see rejection above),

As per claims 8 and 10, they are of similar scope to claim 6 and are rejected under the same rationale as claim 6 (see rejection above).

As per claims 14, 16 and 18, they are of similar scope to claim 2 and are rejected under the same rationale as claim 2; see rejection above).

As per claim 19, Ashizaki teaches an image processing system, comprising:

a database including photographic position information and an image content correlated with the photographic position information, the image content including image data of an area corresponding to the photographic position information (see Ashizaki, column 10, lines 40 – 64);

a user client device which transmits photograph data including photographic position information of where the photograph data was obtained (see Ashizaki, column 19, lines 16-35);

a computer which acquires the image content correlated with the photographic position information from the database when the user client transmits the photograph data, and which inserts the acquired image content into the photograph data (see Ashizaki, column 10, lines 40 – 64).

However, Ashizaki fails to include fee information that corresponds to the data. Yoon teaches content that includes fee information that corresponds to the data(see Yoon, column 7, lines 9 – 50). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Yoon with the method of Ashizaki in order to generate revenue for the content provider.

Claims 13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashizaki, U.S. Patent No. 6,829,430 in view of Rhoads U.S. Patent No. 6,411,725.

As per claim 13, which is dependent on claim 1, Ashizaki teaches the method of claim 1 (see rejection above).

However Ashizaki fails to teach the information providing method according to claim 1, further comprising: transmitting the inserted and edited photographed data to the user based on information specifying the user, to increase a value of the photographed data as a commemorative photograph wherein the photographed data accepted from the user includes the information specifying the user.

Rhoads teaches information providing method according to claim 1, further comprising: transmitting the inserted and edited photographed data to the user based on information specifying the user, to increase a value of the photographed data as a commemorative photograph wherein the photographed data accepted from the user includes the information specifying the user. (column 8, lines 9-34)

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It would have been obvious to an artisan at the time of the invention to include Rhoads' teaching with method of Ashizaki in order to allow user to encode auxiliary information.

As per claims 15 and 17, they are of similar scope to claim 13 and are rejected under the same rationale as claim 13 (see rejection above).

Response to Argument

Applicant's arguments filed on 2/21/06 have been fully considered but they are not persuasive.

Applicant's argument focused on the following:

Ashizaki and Yoon fail to teach, "wherein the content includes data symbolizing an area which corresponds to the photographing position information and fee information which corresponds to the data."

The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Ashizaki and Yoon teach this limitation because Ashizaki encodes the photographing position information that it receives from the GPS systems (column 17, lines 63-column 18, lines 20) into the Digital data (figure 13, column 18, lines 20-68); and Yoon includes fee information with a network data content (column 7, lines 10-30. Therefore by combining the two references together, the examiner has established by the standard of a preponderance of evidence that the prior arts teach the limitations cited by the claims. MPEP 706.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

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